



Virginia Commission on Youth 2018 Legislative Studies and Initiatives

Review of the Standard of Proof to Determine a Founded Case of Child Abuse and Neglect **ADOPTED RECCOMENDATIONS IN BLUE**

Adopted Language

Recommendation 1 – Training and/or guidance for hearing officers and CPS workers

Hearing officer training

~~Require~~ **Request** DSS hearing officers to undergo CPS new worker guidance training as well as training on forensic interviewing, other best practices, and topics deemed essential to recognizing abuse and neglect. DSS hearing officers shall undergo training within the first 6 months of employment. Further, require continuing education training annually, biennially, or as deemed necessary. DSS shall determine the training requirements.

CPS worker training

Support DSS's efforts in regards to training on how cases are being overturned due to documentation issues. In this training, request that CPS and DSS appeals division identify procedural and documentation errors that prevent a hearing officer from using their discretion to uphold a founded case in which abuse and neglect occurred.

Update Child and Family Services Manual

Request the Department of Social Services update and clarify the sections on conducting investigations involving public school employees in their chapter on out-of-family investigations in the Child and Family Services Manual.

Recommendation 2 – Complaints of sexual abuse against teachers

Update guidance on sexual abuse

Request the Department of Social Services provide guidance to CPS workers that states that if the act that gave rise to the investigation of abuse and neglect was for any act of sexual exploitation or any sexual act upon a child in violation of the law, then it shall not be deemed to be an act or omission taken in the scope of employment. The local department worker would therefore not apply § 63.2-1511 analysis.

Update guidance and analyze scenarios for application of gross negligence and willful misconduct to sexual abuse

Request the Department of Social Services provide guidance to CPS workers that details the scenarios and appropriate analysis for gross negligence or willful misconduct as it applies to complaints of sexual abuse.